

The Village of Northfield

Agenda

Regular Council Meeting

October 14, 2015

Pledge of Allegiance

Call to order; Roll call; Approval of Minutes

Presentation of Petitions, Memorials and Remonstrances

Reports of Municipal Officers:

Jesse J. Nehez, Mayor
Timothy Clymer, Finance Director
Richard Wasosky, Engineer
Bradric Bryan, Law Director

Department Heads:

Police Chief Mark Wentz
Fire Chief Jason Buss
Service/Bld.Supt. Jason Walters

Reports of Municipal Boards and Commissions:

Planning Commission, Alan Hipps
Recreation Board, Mayor Nehez
Cemetery Board, Beatrice Greenlee

Reports of Standing Committees:

Finance, Linda Bowen
Roads/Public Works, Jim Daugherty
Health and Welfare, Gary Vojtush
Wages and Working Conditions, Nick Magistrelli
Fire and Safety, Beatrice Greenlee
Buildings and Grounds, Alan Hipps

Legislation:

Resolution 2015-60, An Emergency Resolution Pertaining to the Compensation for the Position of Director of Finance – 2nd reading.

Ordinance 2015-65, An Emergency Ordinance Amending Chapter 410 of the Traffic Code Relating to Impounding of Vehicles – 2nd reading.

Ordinance 2015-66, An Emergency Ordinance Amending Section 432.38 of the Traffic Code Relating to Shortcutting across Private Property - 2nd reading.

Ordinance 2015-67, An Emergency Ordinance Amending Section 660.07 of the Codified Ordinances Relating to the Storage of Junk Motor Vehicles. Unlicensed Collector's Vehicles and other Vehicles - 2nd reading.

Resolution 2015-69, An Emergency Resolution Confirming the Mayor / Director of Public Safety's Appointment of Joseph Beltrami as a part-time Police Officer - 1st reading.

Ordinance 2015-70, An Emergency Ordinance Amending Chapter 618 of the Criminal Code relating to Animals - 1st reading.

Old Business; New Business; Announcements; Adjournment

VILLAGE OF NORTHFIELD RESOLUTION NO. 2015-60
AN EMERGENCY RESOLUTION PERTAINING TO THE COMPENSATION FOR THE
POSITION OF DIRECTOR OF FINANCE

WHEREAS, the Mayor and Council wish to amend the compensation for the position of Director of Finance for the 2015 calendar year.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Northfield, County of Summit, State of Ohio:

SECTION 1. That Council hereby and herein amends the rate of pay for the position of Director of Finance from \$42,000 per annum to \$43,260 per annum, retroactive to January 1, 2015. The Director of Finance shall also be entitled to two weeks' paid vacation per annum.

SECTION 2. That all formal actions of this Council concerning and relating to the deliberation and adoption of this Resolution were taken in an open meeting of this Council or any of its committees and were in compliance with all legal requirements.

SECTION 3. That this Resolution is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village of Northfield for the reason that it will assist with the operation of the Finance Department. This Resolution shall take immediate effect upon its signature by the Mayor, or upon the expiration of time within which it may be disapproved by the Mayor, or upon its passage after its disapproval by the Mayor, as the case may be, pursuant to Charter Section 4.11.

IN WITNESS WHEREOF, we have hereunto set our hands this _____ day of _____, 2015.

Bea Greenlee, President Pro-Tem of Council

Jesse J. Nehez, Mayor

Approved as to Legal Form.

Bradric T. Bryan, Director of Law

I, Timothy Clymer, Clerk of Council of the Village of Northfield, Summit County, Ohio do hereby certify that the foregoing Resolution was duly and regularly passed by Council at a meeting held on the _____ day of _____, 2015.

Timothy Clymer, Clerk of Council

VILLAGE OF NORTHFIELD ORDINANCE NO. 2015- 65

AN EMERGENCY ORDINANCE AMENDING CHAPTER 410 OF THE TRAFFIC CODE
RELATING TO THE IMPOUNDING OF VEHICLES

WHEREAS, the Police Department has requested that Chapter 410 of the Traffic Code relating to the impounding of vehicles be updated to make it fit the current needs of the Community and Department and help the Department operate in a more practical and efficient manner with respect to these issues; and

WHEREAS, based upon the above, Council desires amend Chapter 410 of the Traffic Code as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Northfield, County of Summit, and State of Ohio:

SECTION 1. That Council hereby amends Chapter 410 of the Traffic Code, as is indicated in the attachment hereto that is incorporated herein by reference.

SECTION 2. That the rest and remainder of the Codified Ordinances of the Village of Northfield shall remain as presently drafted unless inconsistent herewith.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were rendered in an open meeting of this Council and were in compliance with all legal requirements.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village of Northfield for the reason that it is necessary to update this section of the Code in order to improve the efficiency of the Police Department. This Ordinance shall take immediate effect upon its signature by the Mayor, or upon the expiration of time within which it may be disapproved by the Mayor, or upon its passage after its disapproval by the Mayor, as the case may be, pursuant to Village of Northfield Charter Section 4.11.

IN WITNESS WHEREOF, we have hereunto set our hands this _____ day of _____, 2015.

Bea Greenlee, President Pro-Tem of Council

Jesse J. Nehez, Mayor

Approved as to Legal Form.

Bradric T. Bryan, Director of Law

I, Timothy Clymer, Clerk of Council of the Village of Northfield, Summit County, Ohio, do hereby certify that the foregoing Ordinance was duly and regularly passed by Council at a meeting held on the _____ day of _____, 2015.

Timothy Clymer, Clerk of Council

CHAPTER 410
Impounding

* * *

410.06 IMPOUNDING FEE.

A fee of ~~seven~~ ten dollars and ~~fifty~~ cents (~~\$7.50~~ 10.00) to cover the cost of removal, in addition to the storage fee provided in Section 410.04, shall be assessed against the owner or other person claiming any vehicle.

* * *

410.09 IMPOUNDING OF BICYCLES.

This section shall be repealed in its entirety.

410.10 TOW TRUCK LICENSING; FEES AND REQUIREMENTS.

This section shall be repealed in its entirety.

VILLAGE OF NORTHFIELD ORDINANCE NO. 2015- 66

AN EMERGENCY ORDINANCE AMENDING SECTION 432.38 OF THE TRAFFIC CODE RELATING TO SHORTCUTTING ACROSS PRIVATE PROPERTY

WHEREAS, the Police Department feels that it is necessary and has requested that Section 432.38 of the Traffic Code relating to shortcutting across private or public property be updated to make it an offense to shortcut across private or public property to avoid intersections as well as simply traffic control devices; and

WHEREAS, based upon the above, Council desires amend Section 432.38 of the Traffic Code as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Northfield, County of Summit, and State of Ohio:

SECTION 1. That Council hereby amends Section 432.38 of the Traffic Code, as is indicated in the attachment hereto that is incorporated herein by reference.

SECTION 2. That the rest and remainder of the Codified Ordinances of the Village of Northfield shall remain as presently drafted unless inconsistent herewith.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were rendered in an open meeting of this Council and were in compliance with all legal requirements.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village of Northfield for the reason that it will enhance the safety of drivers, pedestrians, business patrons, and property owners in the Municipality. This Ordinance shall take immediate effect upon its signature by the Mayor, or upon the expiration of time within which it may be disapproved by the Mayor, or upon its passage after its disapproval by the Mayor, as the case may be, pursuant to Village of Northfield Charter Section 4.11.

IN WITNESS WHEREOF, we have hereunto set our hands this _____ day of _____, 2015.

Bea Greenlee, President Pro-Tem of Council

Jesse J. Nehez, Mayor

Approved as to Legal Form.

Bradric T. Bryan, Director of Law

I, Timothy Clymer, Clerk of Council of the Village of Northfield, Summit County, Ohio, do hereby certify that the foregoing Ordinance was duly and regularly passed by Council at a meeting held on the _____ day of _____, 2015.

Timothy Clymer, Clerk of Council

432.38 SHORTCUTTING ACROSS PRIVATE PROPERTY.

(a) No operator of a motor vehicle shall avoid and disregard any traffic control device or intersection by entering onto private or public property for the sole purpose of driving across such property; adjacent to the place of the intersection, where the traffic control signal is in operation or where a traffic sign has been erected. The failure to stop on such property, in connection with or in furtherance of the objects of enterprise or activities being conducted on the property, shall constitute prima facie evidence of violation.

(b) Whoever violates this section is guilty of a minor misdemeanor.

VILLAGE OF NORTHFIELD ORDINANCE NO. 2015- 67
AN EMERGENCY ORDINANCE AMENDING SECTION 660.07 OF THE CODIFIED
ORDINANCES RELATING TO THE STORAGE OF JUNK MOTOR VEHICLES,
UNLICENSED COLLECTOR'S VEHICLES, AND OTHER VEHICLES

WHEREAS, the Police Department has requested that Section 660.07 of the Codified Ordinances relating to the storage of junk motor vehicles, unlicensed collector's vehicles, and other vehicles be updated to make it fit the current needs of the Community and Department and help the Department operate in a more practical and efficient manner with respect to these issues; and

WHEREAS, based upon the above, Council desires amend Section 660.07 of the Code as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Northfield, County of Summit, and State of Ohio:

SECTION 1. That Council hereby amends Section 660.07 of the Code, as is indicated in the attachment hereto that is incorporated herein by reference.

SECTION 2. That the rest and remainder of the Codified Ordinances of the Village of Northfield shall remain as presently drafted unless inconsistent herewith.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were rendered in an open meeting of this Council and were in compliance with all legal requirements.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village of Northfield for the reason that it is necessary to update this section of the Code in order to improve the aesthetic appearance of the Village and the efficiency of the Police Department. This Ordinance shall take immediate effect upon its signature by the Mayor, or upon the expiration of time within which it may be disapproved by the Mayor, or upon its passage after its disapproval by the Mayor, as the case may be, pursuant to Village of Northfield Charter Section 4.11.

IN WITNESS WHEREOF, we have hereunto set our hands this _____ day of _____, 2015.

Bea Greenlee, President Pro-Tem of Council

Jesse J. Nehez, Mayor

Approved as to Legal Form.

Bradric T. Bryan, Director of Law

I, Timothy Clymer, Clerk of Council of the Village of Northfield, Summit County, Ohio, do hereby certify that the foregoing Ordinance was duly and regularly passed by Council at a meeting held on the _____ day of _____, 2015.

Timothy Clymer, Clerk of Council

660.07 STORAGE OF JUNK MOTOR VEHICLES, UNLICENSED COLLECTOR'S VEHICLES, AND OTHER VEHICLES.

(a) (1) For purposes of this section, "junk motor vehicle" means any motor vehicle which is three years or older; extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission; apparently inoperable; and having a fair market value of one thousand five hundred dollars (\$1,500.00) or less, that is left uncovered in the open on private property for more than 72 hours with the permission of the person having the right to possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under the authority of Ohio R.C. 4737.05 through 4737.12, or otherwise regulated under an authority of a political subdivision; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority, unless the person having the right to possession of the property can establish that the motor vehicle is part of a bona fide commercial operation that is permitted to be operated on the premises; or if the motor vehicle is a collector's vehicle. The fact that there is a carport roof, tarp, or other type of covering over the vehicle does not prevent the vehicle from being considered to be left in the open.

(2) The Municipality shall not prevent a person from storing or keeping, or restrict him or her in the method of storing or keeping, any collector's vehicle on private property with the permission of the person having the right to possession of the property, except that the Municipality may require a person having such permission to conceal, by means of buildings, fences, vegetation, terrain, or other suitable obstruction, any unlicensed collector's vehicle stored in the open. All unlicensed collector's vehicles shall be fully concealed from view from the street and neighboring properties by means of buildings, fences, vegetation, terrain, or other suitable obstruction and shall comply with all Municipal ordinances with respect to vehicles having to be stored on certain areas of the property and surfaces.

(3) ~~The Police Chief~~ A police officer, the Council, or the zoning authority may send notice, by personal service or certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten days of receipt of the notice, the junk motor vehicle either shall be ~~covered by being housed in a fully enclosed garage or other suitable fully enclosed structure~~, or shall be removed from the property.

(4) No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten days after the receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima facie evidence of willful failure to comply with the notice and ~~each subsequent period of 30 days that a junk motor vehicle continues to be so left constitutes a separate offense.~~ If a person having the right to possession of the property has been convicted of a violation of this section within the past one year, the notice, 72 hour, and 10 day period provisions contained in this ordinance shall not apply. In that event, it shall be an offense to leave a junk motor vehicle in the open on private property, and a citation therefor may be issued without the provision of prior notice of the violation, without the vehicle having been on the property for at least 72 hours, and without the need for the vehicle to be left on the property for a period of more than 10 days before issuing the citation.

(5) The fact that there is a carport, tarp, or other type of covering over a junk motor vehicle or unlicensed collector's vehicle does not prevent the vehicle from being considered to be left in the open. All covers placed on automobiles, trailers, boats, or other vehicles that are left in the open and are not considered junk motor vehicles or unlicensed collector's vehicles must be specifically made for the type of vehicle in question, in good condition, and not contain any holes, rips, paint splotches, or significant stains.

(b) Whoever violates this section is guilty of a minor misdemeanor. Each day on which a violation occurs shall be considered a separate offense.

VILLAGE OF NORTHFIELD RESOLUTION NO. 2015-69
AN EMERGENCY RESOLUTION
CONFIRMING THE MAYOR/DIRECTOR OF PUBLIC SAFETY'S APPOINTMENT OF
JOSEPH BELTRAMI AS A PART-TIME POLICE OFFICER

WHEREAS, the Village's Police Department is in immediate need of additional part-time police officers; and

WHEREAS, the Village's Mayor/Director of Public Safety, Police Chief, and Council have determined that Joseph Beltrami is qualified for appointment to the position of Part-Time Police Officer.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Northfield, County of Summit, and State of Ohio:

SECTION 1. That the Mayor/Director of Public Safety's appointment of Joseph Beltrami as a Part-Time Police Officer is hereby confirmed, effective immediately.

SECTION 2. That said appointment shall involve a one year probationary period pursuant to the terms of Section 11.04 of the Village Charter.

SECTION 3. That all formal actions of this Council concerning and relating to the deliberation and adoption of this Resolution were taken in an open meeting of this Council or any of its legal committees and were in compliance with all legal requirements.

SECTION 4. That this Resolution is hereby declared to be an emergency measure necessary for the public peace, health and welfare of the residents of the Village of Northfield for the reason that it will assist with the proper protection of the Village's residents, and that this Resolution shall take immediate effect upon its signature by the Mayor, or upon the expiration of time within which it may be disapproved by the Mayor, or upon its passage after its disapproval by the Mayor, as the case may be, pursuant to Village of Northfield Charter Section 4.11.

IN WITNESS WHEREOF, we have hereunto set our hands this _____ day of _____, 2015.

Bea Greenlee, President Pro-Tem of Council

Jesse J. Nehez, Mayor

Approved as to Legal Form.

Bradric T. Bryan, Director of Law

I, Timothy Clymer, Clerk of Council of the Village of Northfield, Summit County, Ohio, do hereby certify that the foregoing Resolution was duly and regularly passed by Council at a meeting held on the _____ day of _____, 2015.

Timothy Clymer, Clerk of Council

VILLAGE OF NORTHFIELD ORDINANCE NO. 2015-70

AN EMERGENCY ORDINANCE AMENDING CHAPTER 618 OF THE CRIMINAL CODE RELATING TO ANIMALS

WHEREAS, the Police Department has requested that Chapter 618 of the Criminal Code relating to animals be updated to make it fit the current needs of the Community and Department and help the Department operate in a more practical and efficient manner with respect to these issues; and

WHEREAS, based upon the above, Council desires amend Chapter 618 of the Criminal Code as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Northfield, County of Summit, and State of Ohio:

SECTION 1. That Council hereby amends Chapter 618 of the Criminal Code, as is indicated in the attachment hereto that is incorporated herein by reference.

SECTION 2. That the rest and remainder of the Codified Ordinances of the Village of Northfield shall remain as presently drafted unless inconsistent herewith.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were rendered in an open meeting of this Council and were in compliance with all legal requirements.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village of Northfield for the reason that it is necessary to update this section of the Code in order to improve the efficiency of the Police Department. This Ordinance shall take immediate effect upon its signature by the Mayor, or upon the expiration of time within which it may be disapproved by the Mayor, or upon its passage after its disapproval by the Mayor, as the case may be, pursuant to Village of Northfield Charter Section 4.11.

IN WITNESS WHEREOF, we have hereunto set our hands this _____ day of _____, 2015.

Bea Greenlee, President Pro-Tem of Council

Jesse J. Nehez, Mayor

Approved as to Legal Form.

Bradric T. Bryan, Director of Law

I, Timothy Clymer, Clerk of Council of the Village of Northfield, Summit County, Ohio, do hereby certify that the foregoing Ordinance was duly and regularly passed by Council at a meeting held on the _____ day of _____, 2015.

Timothy Clymer, Clerk of Council

CHAPTER 618 Animals

* * *

618.07 BARKING OR HOWLING DOGS.

(a) No person shall own, harbor or keep in custody a dog which disturbs the peace by barking, yelping, howling or making other loud noises to the annoyance and/or discomfort of any person. Continuous barking, yelping, howling or making other loud noises for 15 consecutive minutes by such dog, whether confined within a residence or building or to the outside area, shall be deemed to have disturbed the peace and to have caused the annoyance and discomfort of persons; provided, that at the time of the complaint, no person or persons were trespassing or threatening to trespass upon the private property of the owner, and provided that the dog was not being teased or provoked in any manner .

(b) Any person who shall allow any dog habitually to remain, be lodged or fed within any dwelling, building, yard or enclosure owned or occupied by such person shall be considered as harboring or keeping such dog.

(c) Upon an initial complaint, an enforcement officer shall warn the person in writing of the violation. Upon a second such complaint within ~~30 days~~ one year, the enforcement officer shall charge the person with a violation of this section.

(d) Division (a) of this section does not apply to owners, operators or employees of licensed veterinary hospitals, licensed kennels, or licensed animal boarding establishments, nor does it apply to blind, deaf or hearing impaired, or mobility impaired persons when the dog serves as an assistance dog.

(e) Whoever violates this section is guilty of a minor misdemeanor.

* * *

618.14 UNSANITARY CONDITIONS.

(a) No owner, harborer or keeper of ~~a dog~~ an animal shall permit filth or offal to emanate therefrom to the detriment of the health or comfort of any other person or the public.

~~Any person affected thereby may make a report thereof to any police officer of the Municipality who thereupon shall make a prompt investigation regarding such complaint and file a written report thereof to the Mayor.~~

~~Thereupon, if the facts warrant it, the Mayor may direct the Administrative Clerk to forthwith issue to any police officer a written notice to serve upon such owner or keeper to abate or remove such offensive condition found so existing within 24 hours from the time of service of such notice.~~

(b) Any person who shall allow any animal habitually to remain, be lodged or fed within any dwelling, building, yard or enclosure owned or occupied by such person shall be considered as harboring or keeping such animal.

(c) Upon an initial complaint, an enforcement officer shall warn the person in writing of the violation. Upon a second such complaint within one year, the enforcement officer shall charge the person with a violation of this section.

~~(b)~~ (d) Whoever violates this section is guilty of a minor misdemeanor.

~~§18.15~~ ~~VIOLATIONS AS NUISANCES.~~

~~(a) Any animal which, by biting or frequent and habitual barking, howling or yelping, or in any other way or manner, injures or disturbs the quiet of any person or the community, or disturbs or endangers the comfort, repose or health of persons, is hereby declared to be creating a nuisance. No owner or person having custody of such animal shall harbor such animal or permit it to commit such nuisance.~~

~~(b) Whoever violates this section is guilty of a minor misdemeanor.~~